

BS00343

U.S. Application No. 09/749,826 Art Unit 2631
Submission of RCE in Response to September 21, 2006 Final Office Action

REMARKS

In response to the final Office Action dated September 21, 2006, the Assignee respectfully requests continued examination and reconsideration based on the above claim amendments and the following remarks. The Assignee respectfully submits that the pending claims distinguish over the cited documents.

Claims 1-7, 17-20, 23-34, and 36-37 are pending in this application. Claims 8-16, 21-22, 35, and 38-52 have been canceled with prejudice or disclaimer.

The United States Patent and Trademark Office (the "Office") rejected claims 1-3, 5, 8-9, 12-19, 23-33, and 36 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent 6,732,366 to Russo in view of U.S. Patent 5,790,176 to Craig. Claims 4, 20, 34, and 37-42 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Russo* in view of *Craig* and further in view of Published U.S. Patent Application 2002/0118954 to Barton *et al.* Claims 6-7 and 10-11 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Russo* in view of *Craig* and further in view of U.S. Patent 6,141,488 to Knudsen *et al.* Claims 43-47, 49-50, and 52 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Russo* in view of *Barton*.

The Assignee shows, however, that the pending claims are not obviated by any combination of *Russo*, *Craig*, *Barton*, and *Knudsen* in any combination.

Rejection of Claims under 35 U.S.C. § 103 (a) over *Russo* & *Craig*

Claims 1-3, 5, 8-9, 12-19, 23-33, and 36 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Russo* in view of *Craig*. If the Office wishes to establish a *prima facie* case of obviousness, three criteria must be met: 1) combining prior art requires "some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill"; 2) there must be a reasonable expectation of success; and 3) all the claimed limitations must be taught or suggested by the prior art. DEPARTMENT OF

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COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2143 (orig. 8th Edition)
(hereinafter "M.P.E.P.").

Claims 8, 9, and 12-16 have been canceled, so the rejection of these claims is moot.

Claims 1-3, 5, 17-19, 23-33, and 36 are not obvious. These claims recite, or incorporate, features that are not taught or suggested by *Russo* and *Craig*. Independent claims 1, 17, 26, and 36, for example, recite "*a plurality of tuners and demodulators sending information signals to a media bus,*" "*a system data bus coupled to the media bus and receiving the information signals,*" and "*a network bus coupled to the system data bus and receiving the information signals.*" Independent claims 1, 17, 26, and 36 also recite "*a mass storage device connected to the system data bus and storing the information signals, the mass storage device adapted to receive and store a multimedia content item.*" All the independent claims also recite "*a data switch connected to the network bus, the data switch receiving the information signals and sending the information signals to one or more switch ports.*" A processor and memory are also connected "*to the system data bus.*" Support for such features may found at least at page 23, lines 1-16 and FIG. 6 of the as-filed application.

Russo and *Craig* do not teach these features. Examiner Lambrecht is correct — the combined teaching of *Russo* and *Craig* describes high capacity storage that is connected to a video switch. *Russo* and *Craig* also describes a data bus and an address control bus. Yet no where does the combined teaching of *Russo* and *Craig* disclose or suggest "*a mass storage device connected to the system data bus and storing the information signals, the mass storage device adapted to receive and store a multimedia content item.*" The combined teaching of *Russo* and *Craig* also fails to disclose or suggest "*a data switch connected to the network bus, the data switch receiving the information signals and sending the information signals to one or more switch ports.*" The combined teaching of *Russo* and *Craig* also fails to disclose or suggest the "*media bus,*" the "*network bus,*" and the "*system data bus*" as recited in the claims.

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Claims 1-3, 5, 17-19, 23-33, and 36, then, are not obvious. The proposed combination of *Russo* and *Craig* is silent to many features recited, or incorporated, in these claims. Because the proposed combination of *Russo* and *Craig* is entirely silent to many features recited in these claims, one of ordinary skill in the art would not think that the claims are obvious. The *prima facie* case for obviousness, then, must fail, so Examiner Lambrecht is respectfully requested to remove the § 103 rejection of claims 1-3, 5, 17-19, 23-33, and 36.

Rejection of Claims under 35 U.S.C. § 103 (a) over *Russo, Craig & Barton*

Claims 4, 20, 34, and 37 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Russo* in view of *Craig* and further in view of United States Patent Application Publication 2002/0118954 to Barton *et al.* Claims 4, 20, 34, and 37, however, are dependent upon their respective base claims and, thus, incorporate the same distinguishing features. Because the proposed combination of *Russo, Craig, and Barton* fails to teach or suggest at least these features, one of ordinary skill in the art would not think that claims 4, 20, 34, and 37 are obvious. Examiner Lambrecht is respectfully requested to remove the § 103 rejection of claims 4, 20, 34, and 37.

Rejection of Claims under 35 U.S.C. § 103 (a) over *Russo, Craig & Knudsen*

Claims 6-7 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Russo* in view of *Craig* and further in view of U.S. Patent 6,141,488 to Knudsen *et al.* Claims 6-7, however, are dependent upon their respective base claims and, thus, incorporate the same distinguishing features. Because the proposed combination of *Russo, Craig, and Knudsen* fails to teach or suggest at least these features, one of ordinary skill in the art would not think that claims 6-7 are obvious. Examiner Lambrecht is respectfully requested to remove the § 103 rejection of claims 6-7.

Rejection of Claims 43-47, 49-50, and 52 under 35 U.S.C. § 103 (a)

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Claims 43-47, 49-50, and 52 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Russo* in view of *Barton*. These claims have been canceled, so the rejection of these claims is moot.

If any questions arise, the Office is requested to contact the undersigned at (919) 469-2629 or scott@wzpatents.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

Scott P. Zimmerman
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